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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,386	11/10/2000	Thomas Anthony Stahl	RCA88884	3550

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Joseph S Tripoli  
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P O Box 5312  
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EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/582,386

Applicant(s)

STAHL, THOMAS ANTHONY

Examiner

HUY T NGUYEN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuge (5,995,709).

Regarding claims 1 and 3 Tsuge, at fig. 1, discloses a method for operating a digital video disc player interconnected by a digital bus (38) to a digital video processing apparatus, the digital video processing apparatus performing the steps, of

(a) receiving from a digital video disc player a program content stream representative of a programmed event, said program content stream including data in a compressed format (column 3, lines 5-60);

(b) decoding (9) said program content stream in said digital apparatus (column 3, lines 55-60); characterized by:

(c) receiving from said digital video disc player bit-map data representative of a subpicture associated with said program content stream, said bit-map data being suitable for display (column 2, lines 5-10, column 5, lines 1-7), said bit-map data

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received from said digital video disc player and said decoded program content stream to produce a signal representative of a combined image suitable for display (Abstract , column 1, lines 5-15, column 4, lines 5-10).

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al ( 5999698).

Regarding claims 1 and 3 Nakai discloses a method for operating a digital video disc player interconnected by a digital bus to a digital video processing apparatus Fig. 1) , the digital video processing apparatus performing the steps, of

(a) receiving from a digital video disc player a program content stream representative of a programmed event, said program content stream including data in a compressed format (column 1, lines 5-10));

(b) decoding (58) said program content stream in said digital apparatus ; characterized by:

(c) receiving from said digital video disc player bit-map data representative of a subpicture associated with said program content stream, said bit-map data being suitable for display (column 21, lines 25 –68), said bit-map data received from said digital video disc player and said decoded program content stream to produce a signal representative of a combined image suitable for display (column 22, line 65 to column 23, lines 10).

Regarding claims 2 and 4, Nakai further teaches the updating of the subpicture (column 21, lines 25-65) by processing the subpicture menu and highlight information .

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagihara (6,211,800) .

Regarding claim 5 , Yanagihara discloses a method for operating a digital video disc player interconnected by a digital bus to a digital television, the digital video disc player (Figs. 4, 5, column 6, lines 58-61) performing the steps of  
(a) receiving from a digital video disc coupled to an MPEG PS digital stream characterized by:  
(b) converting (74)said digital stream from an MPEGPS format to a digital stream having an MPEG-TS format; and  
(c) transmitting the MEGTS digital stream to said digital television via an isochroous channel of said digital bus (Abstract , Fig. 5).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Regarding claim 6, Yanagihara fails to teach a bitmap subpicture is transmitted to the television via an asynchronous channel.

Nakai teaches apparatus having a processing means for reproducing PS data stream from a disk transmitting the bitmap subpicture to a television as an asynchronous channel since the subpicture including menu title information that is generated by user command.

It would have been obvious to one of ordinary skill in the art to modify Yanagihara with Nakai by using a processing means as taught by Nakai with the apparatus of Yanagihara for processing the bitmap subpicture and transmitting the bitmap subpicture as an asynchronous channel thereby enhancing capacity of the apparatus of Yanagihara to provide more convenience to the user in selecting a program title for viewing.

Regarding claim 7, Yanagihara as modified with Nakai further teaches  
(a) receiving a user initiated command in response to said displayed bit-mapped digital data (columns 72-73);  
(b) generating an updated subpicture stream in response to said user initiated command;

(c) processing said updated subpicture stream to generate an updated bit-mapped digital data; and

(d) transmitting said updated bit-mapped digital data (See Nakai column 21, lines 25-65).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
~~HUY NGUYEN~~  
PRIMARY EXAMINER

H.N